

PLANNING COMMISSION REPORT



MEETING DATE: September 13, 2006 ITEM NO. _____ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT **Williams Estates - 10-AB-2006**

REQUEST Request to consider the following:

1. Abandon the east 33-foot GLO easement at the approximate location of the N. 123rd Place alignment.
2. Abandon the north 18 feet of the 33-foot GLO easement at the E. Cochise Drive alignment.

Related Policies, References:

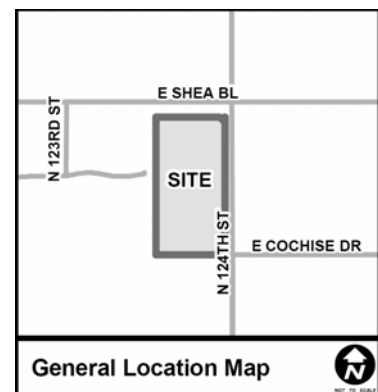
Case 31-LD-2005 split this parent parcel into the three existing lots.

Case 27-AB-1998 abandoned GLO easements west of this property.

OWNER/APPLICANT George Williams Jr.
CONTACT 480-234-0591

LOCATION 12343 E. Shea Boulevard

BACKGROUND



Background.

The subject General Land Office (GLO) easements were reserved on the original patent deed to assure legal access in 1957. The GLO easements exist on the north, south, east, and west sides of the 4-acre property. In 1998, the GLO easements to the west of this property were abandoned (Case 27-AB-1998). This 4-acre property was split into 3 lots in 2005 (Case 31-LD-2005), and access to these lots are provided from 124th Street.

General Land Office Patent Easements (general information).

- Within the City of Scottsdale there are General Land Office (GLO) lots or parcels of various sizes created by the Federal Small Tract Act. This act was passed in 1938 and repealed in 1976.
- Most GLO lots were patented with 33 feet (or sometimes 50 feet) roadway and public utility easements typically “as near as practicable to the exterior boundaries”.
- The city has viewed these patent roadway and utility easements as assured access at least until a local circulation plan is established.
- As GLO lots come in for development (i.e. lot splits, subdivisions or requesting building permits) staff requires city right-of-way dedications per our circulation plans. The city’s transportation plan establishes a street system to replace the grid pattern created by the GLO easements.
- Any patent easements in excess of the current requirements to the circulation plans (including trails), roadway standards, and not required to

insure access to any other lot, may be requested to be abandoned.

- On 1981, City Ordinance 1386 was adopted delegating the authority for the release of GLO easements to the Engineering Services Director.
- On March 2, 1999, the City Council repealed Ordinance 1386 and adopted Ordinance 3219 which requires the abandonment of the GLO patent roadway easements to go through the same public hearing process currently used for all right-of-ways, alleys, and roadway easements. The City Attorney's office has concluded that this process for consideration of GLO roadway abandonment satisfies legal requirements.
- On August 12, 2005, Arizona Revised Statute section 9-500.4 became effective. This section gives the local municipality the right to abandon GLO patent easements, and concurs with the city's position on abandonment of GLO patent easements.

Zoning/Context.

The site is zoned Single Family Residential, Environmentally Sensitive Lands District (R1-43 ESL), which allows for single-family residential lots having a minimum lot size of 43,000 square feet. Currently the GLO easement along the west side of the 4-acre property is obstructed by a wall to the north and a large wash to the south. The GLO easement along the south side of the subject property is unimproved. The GLO easement to the north is improved as E. Shea Boulevard and to the east as N. 124th Street.

Adjacent Uses and Zoning:

- North Shea Boulevard and new church, zoned R1-43 ESL
- South Vacant wash, zoned R1-43 ESL
- East 124th Street and single-family homes, zoned R1-43 ESL
- West Townhomes, zoned R1-5 ESL

APPLICANT'S PROPOSAL

Goal/Purpose of Request.

This is a request for abandonment of the 33-foot GLO easement at the approximate location of the N. 123rd Place alignment along the west side of the property. Also requested is the abandonment of the north 18 feet of the 33-foot GLO easement at the E. Cochise Drive alignment along the south side of the property. The north and east GLO easements are not part of this abandonment request, as they are located within existing rights-of-way along Shea Boulevard and N. 124th Street respectively.

The abandonment requests is to remove the easement from the property to provide flexibility in locating Natural Area Open Space (NAOS) easements and building/site improvements. Access to the property will be provided by N. 124th Street.

IMPACT ANALYSIS

Community Impact.

GLO Easement along the N. 123rd Place alignment:

The proposal will not affect the existing or planned street/trail network for this area. The GLO easement on the west side of this property is obstructed by a wall to the north and a large wash to the south. Neither this property nor the adjacent properties need this GLO easement for access, as these properties will continue to use other existing streets for access (such as E. Shea Boulevard and

N. 124th Street).

GLO Easement along the E. Cochise Drive alignment:

The extension of Cochise Drive west of N. 124th Street is obstructed by a large wash and retention basin southwest of the property, which is owned by the Federal Government. The request to abandon only the north 18 feet of the 33-foot GLO easement allows the south 15 feet to be maintained for the possibility of providing access to the retention basin. The proposal will not affect the existing or planned street/trail network for this area.

Scenic corridors.

The applicant has agreed to increase the existing trail easement along E. Shea Boulevard to include the entire scenic corridor (or a minimum 25 foot width) to maximize trail location opportunities along E. Shea Boulevard.

Departmental Responses.

City Department/Division participants concur with this abandonment request. See Department Issues Checklist (Attachment #1).

Community Involvement.

The site has been posted and surrounding properties have been notified. The property owner to the east expressed concerns regarding any abandonment along N. 124th Street, which was part of the original application but has since been removed. There have been no other comments regarding this request.

Community Impact.

The proposal will not affect the existing or planned street/trail network for this area. The request to abandon only the north 18 feet of the 33-foot GLO easement along Cochise Drive allows the south 15 feet to be maintained for the possibility of providing access to the retention basin located southwest of the property.

At this time, this applicant has not submitted a statement recognizing that the City is only abandoning its interest in the easement, and recognizing the applicant assumes any risk of other interests and indemnifies and holds harmless the City against such claims.

STAFF
RECOMMENDATION

Recommended Approach:

Staff recommends the following:

1. Approval of the abandonment of the east 33-foot GLO easement at the approximate location of the N. 123rd Place alignment.
2. Approval of the abandonment of the north 18 feet of the 33-foot GLO easement at the E. Cochise Drive alignment.

This recommendation is subject to the following stipulations:

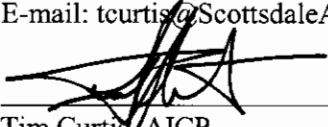
- A. The property owner shall increase the existing trail easement along Shea Boulevard to include the entire scenic corridor (a minimum 25 foot width).
- B. This stipulation shall be satisfied within one (1) year of the approval of this action. Recordation of the resolution affirming the abandonment shall occur after the stipulation has been met.

RESPONSIBLE Planning and Development Services Department

DEPT(S)

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APPROVED BY



Tim Curtis, AICP
Report Author



Lusia Galav, AICP
Current Planning Director

1. Checklist
2. Context Aerial
3. Detail Aerial
4. Zoning Map
- 5A. Context Right-of-Way and Easements
- 5B. Detail Right-of-Way and Easements
6. Area Trails Plan
7. City Notification Map

CASE 10-AB-2006

Department Issues Checklist

Transportation

☒ **Support**

The abandonments will not affect the existing or planned street network for this area. There is no need to have street access along the N. 123rd Place alignment at this location. The request to abandon only the north 18 feet of the 33-foot GLO easement along Cochise Drive allows the south 15 feet to be maintained for the possibility of providing access to the retention basin located southwest of the property. The surrounding properties will continue to have access from existing streets.

Trails

☒ **Support**

The Trail Master Plan shows a trail along Shea Boulevard, but does not show any trails within the GLO easements requested for abandonment. The applicant has agreed to increase the existing trail easement along Shea Boulevard to include the entire scenic corridor (or a minimum 25 foot width) to maximize trail location opportunities along Shea Boulevard.

Adjacent Property Owner Notification

☒ **Support**

The site has been posted and surrounding properties have been notified. The property owner to the east expressed concerns regarding any abandonment along 124th Street, which was part of the original application but has since been removed. There have been no other comments regarding this request.

Public Utilities

☒ **Support**

Letters of support from the affected public utility companies are on file with the City of Scottsdale.

Emergency/Municipal Services

☒ **Support**

The abandonment will have no impact on the ability to provide emergency or other municipal services to the adjacent properties or surrounding area.

Water/Sewer Services

☒ **Support**

The abandonment will have no impact on water or sewer services.

Drainage

☒ **Support**


The abandonment will have no impact on drainage.



Williams Estates

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Legend

 GLO Patent Easement to be Abandoned


ATTACHMENT #2



Williams Estates

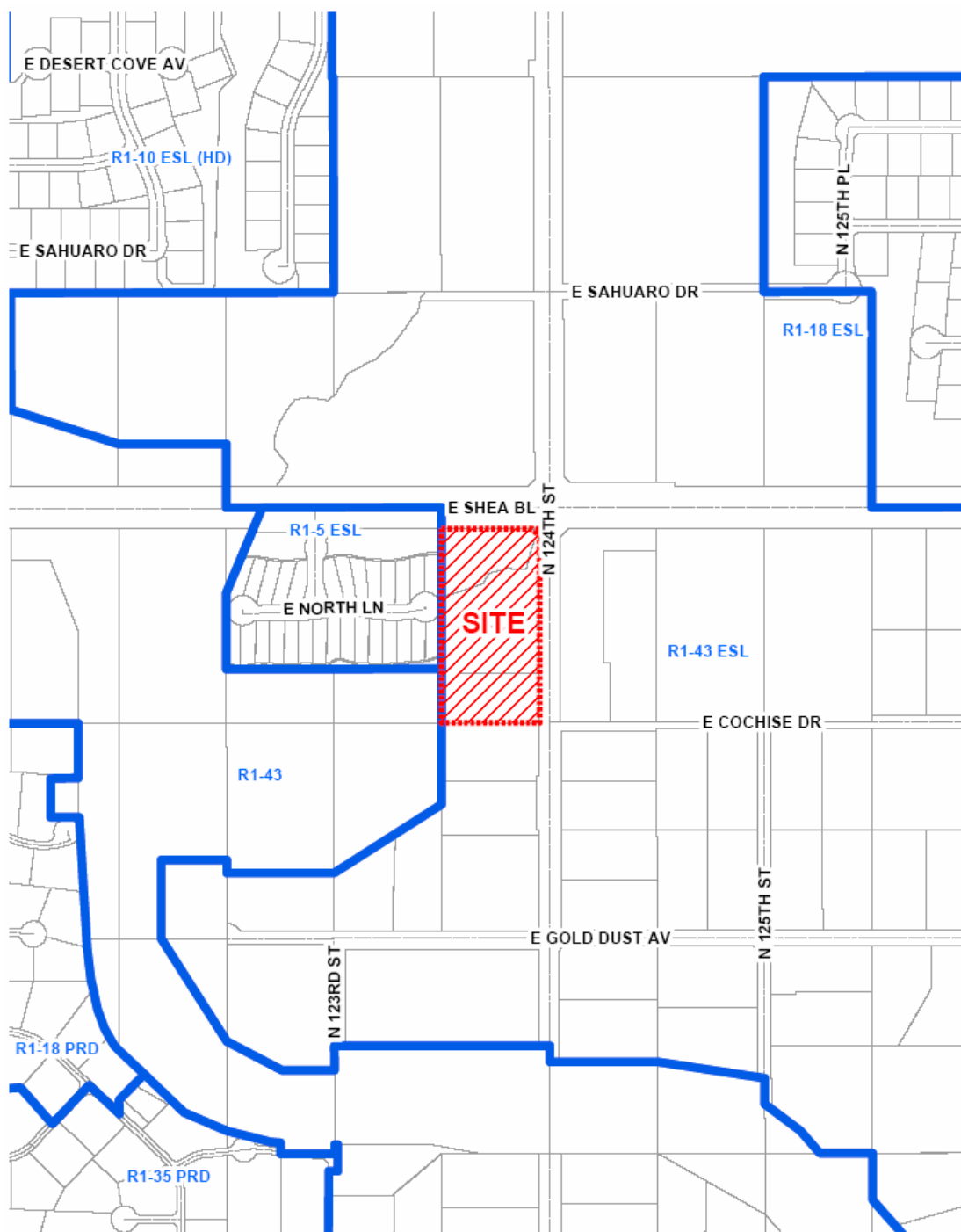
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Legend

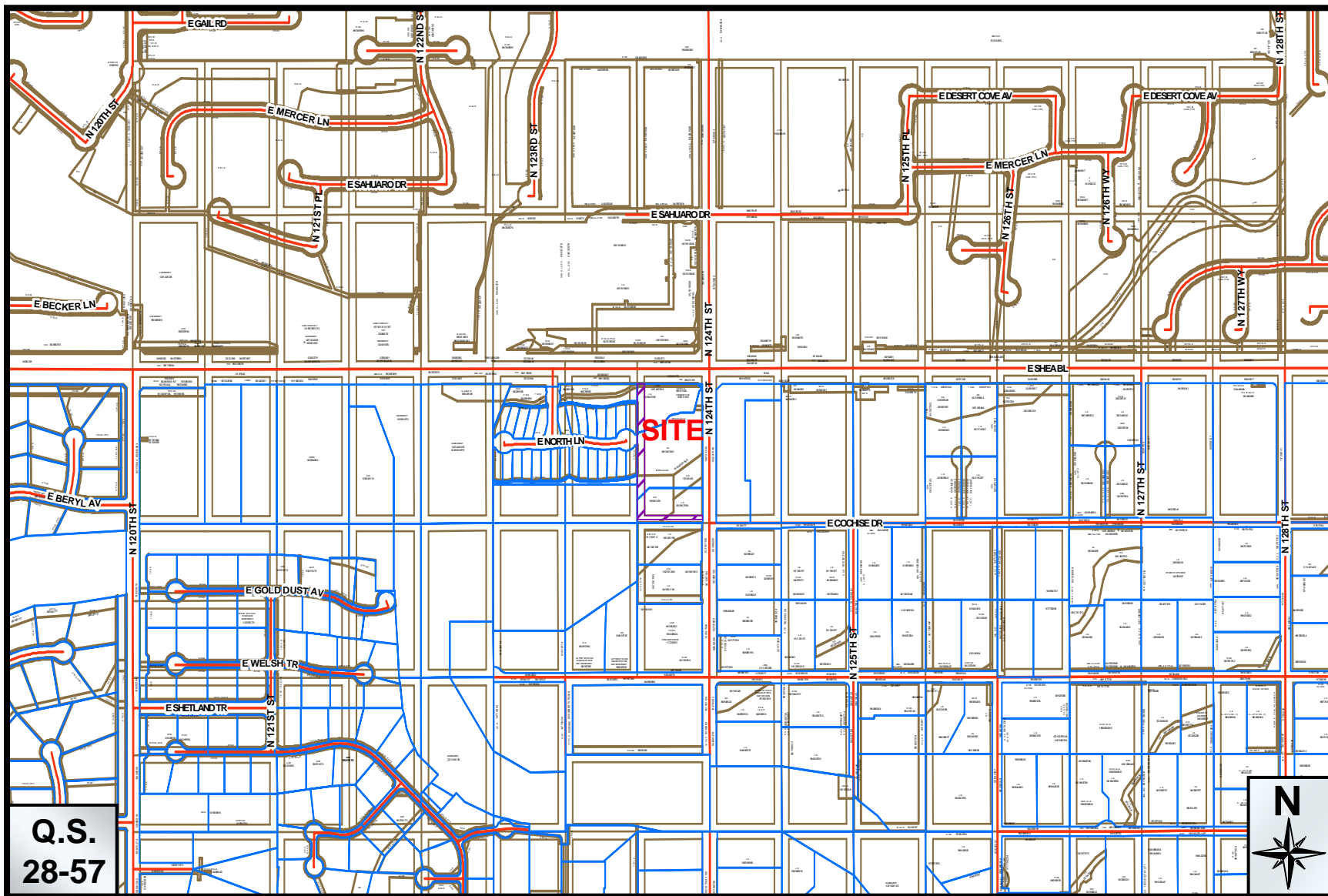
 GLO Patent Easement to be Abandoned

ATTACHMENT #3

Zoning Map



10-AB-2006
ATTACHMENT #4

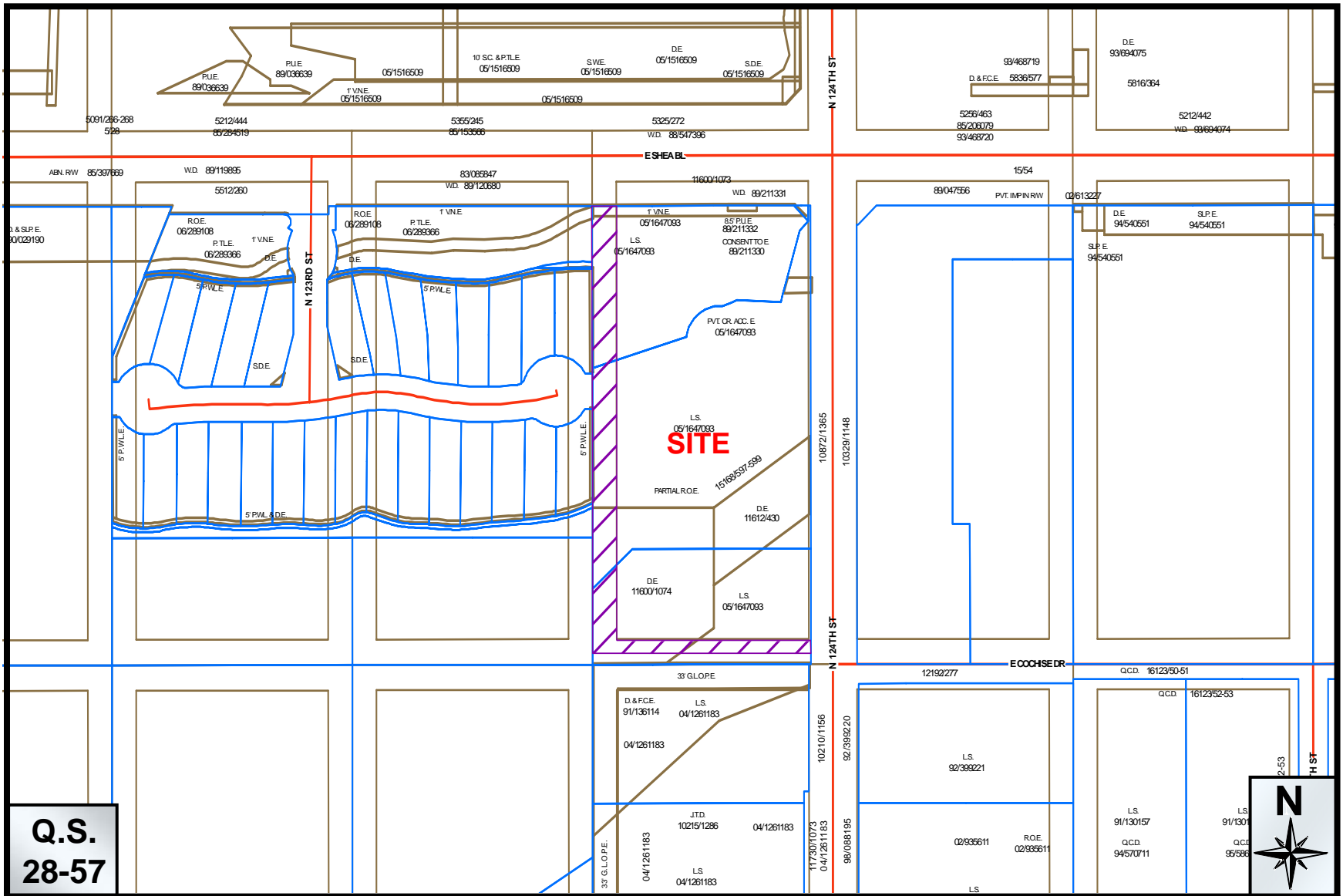


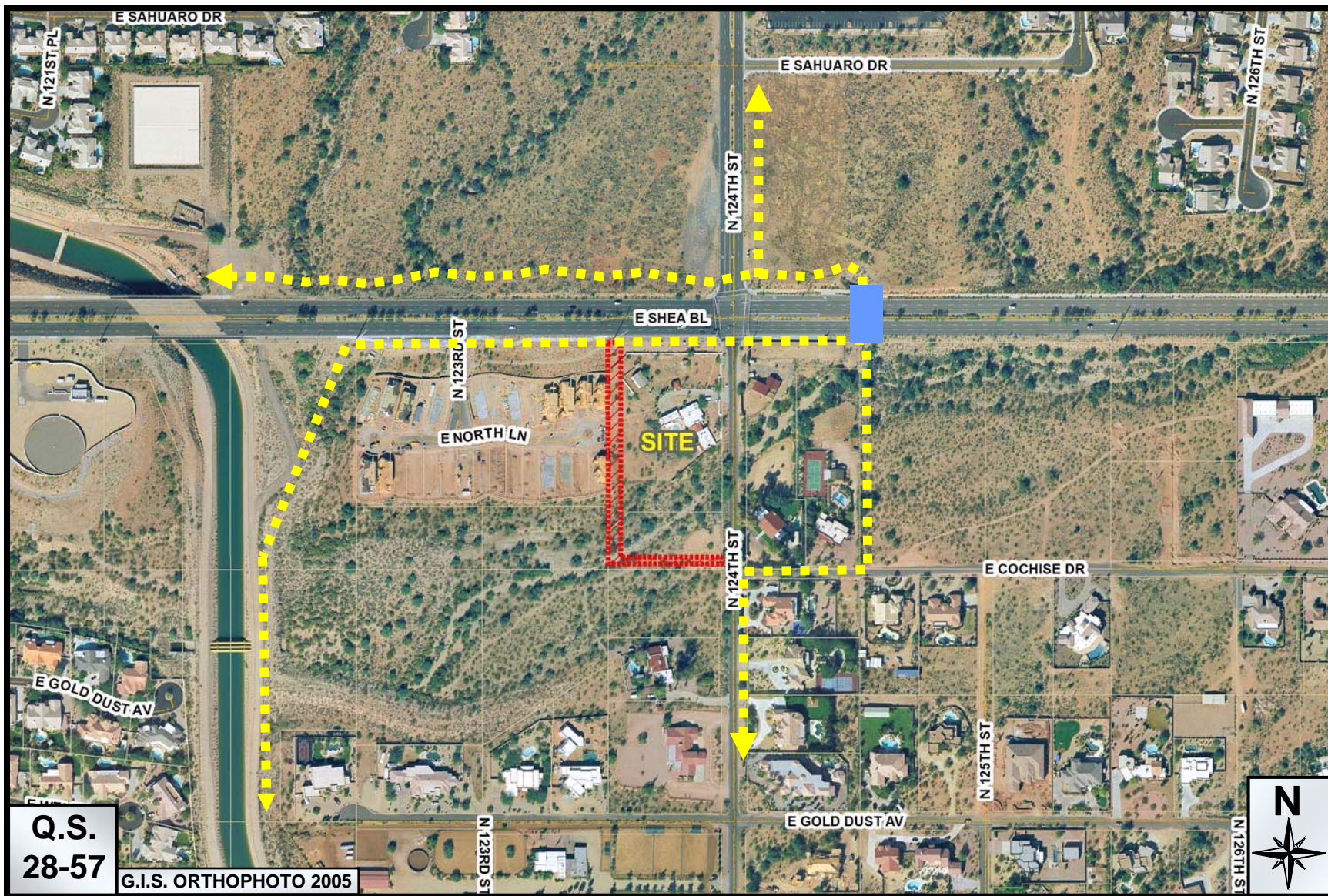
Williams Estate

Legend
Parcel
GLO\Easements
Street

10-AB-2006

Easements & Right-of-Way
ATTACHMENT #5A



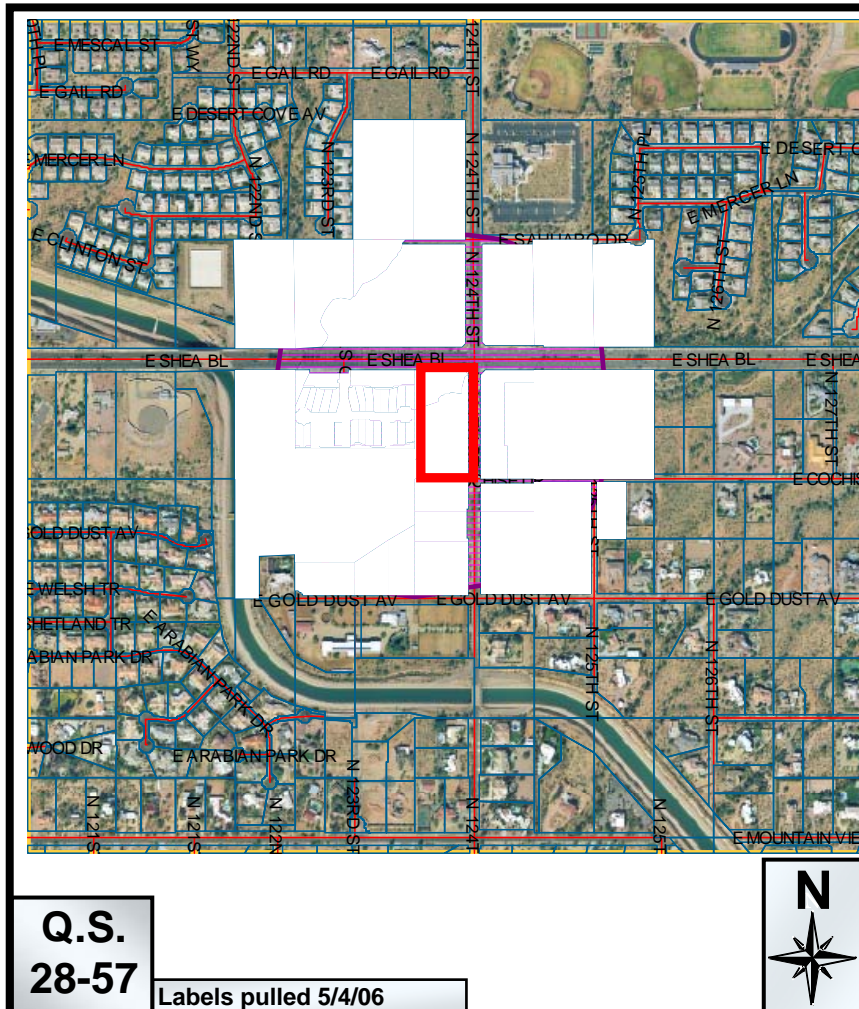


Williams Estates

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ATTACHMENT #6

City Notifications – Mailing List Selection Map



Map Legend:



Site Boundary



Properties within 750-feet

Additional Notifications:

- Interested Parties
- Neighbors South of Shea
- NESPOA
- Coalition of Pinnacle Peak (C.O.P.P.)

Q.S.
28-57

Labels pulled 5/4/06



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ATTACHMENT #7